



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.cp/065
March 15, 2019

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This letter responds to your Freedom of Information Act (FOIA) request of November 19, 2018 in which you seek the following:

- Copies of all Navy records related to a proposed San Francisco 49ers football stadium that would have been located at the former Hunters Point Naval Shipyard. At the request of the City and County of San Francisco, the Navy once explored a possible football stadium to be built on "Parcel G" or "Parcel 49" of the shipyard. This request includes, but is not limited to, electronic or written communications, emails, memos, letters, PowerPoints, and other reports and documents between the date January 1, 2005 and March 1, 2012.

Your request was received by this office on November 19, 2018 and assigned file number DON-Navy-2019-001425.

We responded on December 19, 2018, indicating that at that time, we were unable to provide an estimate of when your request would be completed because of the need to search for, collect, and examine a substantial number of responsive records and the need to consult with other naval activities which have substantial subject-matter interest in the release determination of identified responsive records, and that we would provide a date by March 15, 2019.

Since our response of December 19, 2018, we have been searching for records responsive to your request and that process is ongoing. Records may be provided in phases as documents are determined to be responsive to your request, with the initial response no later than May 15, 2019.

Please be advised that fees associated with the processing of your request are waived in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

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The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Mr. Charles Perry who may be contacted at charles.l.perry@navy.mil or 619-524-5927.

Sincerely,


for KIMBERLY A. OSTROWSKI
Director